

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-15 are pending, Claims 1, 3, 8, 9, 13 and 15 having been amended by way of the present amendment. No new matter is added.

In the outstanding Office Action, Claims 1-4, 8-11, 13 and 15 were rejected as containing informalities; Claims 1 and 13 were rejected as being unpatentable over Kiyose et al. (U.S. Patent No. 6,914,465, hereinafter Kiyose) in view of Yoshida et al. (U.S. Patent No. 6,552,983, hereinafter Yoshida); Claims 3 and 4 were rejected as being unpatentable over the art applied in Claims 1 and 13 and in further view of Matsumaru et al. (U.S. Patent No. 5,959,962, hereinafter Matsumaru) in further view of Official notice; Claim 2 was rejected as being unpatentable over the above cited prior art and in further view of Tobita et al. (U.S. Patent No. 6,385,257, hereinafter Tobita); Claims 5 and 14 were rejected as being obvious over Tawaragi (U.S. Patent No. 6,341,110); Claim 6 was rejected as being unpatentable over the above cited prior art in view of Tobita; Claim 7 was rejected as being unpatentable over the art applied to Claim 5 and in further view of Yoshida (U.S. Patent No. 6,552,983); Claim 12 was rejected as being unpatentable over the prior art as applied to Claim 6 and in further view of Yoshida; Claims 8, 9 and 15 were rejected as being unpatentable over Kiyose in combination with Tawaragi, Yoshida and Tobita; and Claims 10 and 11 were rejected as being unpatentable over the prior art applied to Claim 8 and in further view of Matsumaru.

The objection to Claims 1-4, 8-11, 13 and 15 has been corrected by way of the amendment to Claims 1, 3, 8, 9, 13 and 15; each of the rejections of Claims 1-4, 8-13 and 15 is based on Kiyose as a primary reference. However, Kiyose is not prior art with regard to the present invention. Applicants hereby perfect priority to Japanese priority document JP 2002-297101, filed in the JPO on October 10, 2002. A certified translation is filed herewith.

Therefore, it is respectfully submitted that all of the rejections to Claims 1-4, 8-13 and 15 have been overcome by way of the perfection of priority.

Claims 5 and 14 stand rejected as being unpatentable over Tawaragi in view of Yoshida. Applicants respectfully traverse the rejection. Claim 5 for example is directed to a disk drive that among other things includes a pre-pit detector for comparing the push-pull signal with a reference signal and outputting a comparison result as a pre-pit detection signal. A controller is included for changing the reference signal depending on the count value of the counter.

The outstanding Office Action appears to recognize that Tawaragi is asserted for its phase lock loop detection capabilities predicated upon a count value, but otherwise recognizes that no push-pull detection is known. Applicants agree that Tawaragi does not disclose the push-pull detection as claimed. Moreover, Tawaragi as discussed at column 12, lines 18-24 rely on comparing an amplified pre-information signal Spp with a threshold pre-set to detect the pre-pit signal. This pre-set threshold is not changed in Tawaragi. Thus Tawaragi neither teaches nor suggests a controller for changing the reference signal depending on the count value of the counter. Moreover, Tawaragi teaches away from this feature as Tawaragi is based on the use of a pre-set threshold to detect the pre-pit signal. Yoshida does not cure this deficiency with regard to Claim 5 in Tawaragi. Moreover, the outstanding Office Action does not assert that Yoshida cures this deficiency with regard to Tawaragi. Therefore, it is respectfully submitted that no matter how Yoshida is combined with Tawaragi the combination does not teach or suggest all of the elements of Claim 5. Likewise, it is respectfully submitted that Claim 14 patentably defines over Tawaragi in view of Yoshida. Claims 6-7 are also rejected based on the application of Tawaragi and Yoshida as applied to Claim 5 above. However, as discussed above it is respectfully submitted that Tawaragi and Yoshida do not disclose all the elements of Claim 5, and therefore the tertiary

references relied upon do not cure the deficiencies with regard to the rejection of Claims 6 and 7.

Consequently, in view of the perfection of priority to the Japanese priority document, and in light of the arguments made above, it is respectfully submitted that the invention defined by Claims 1-15 is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

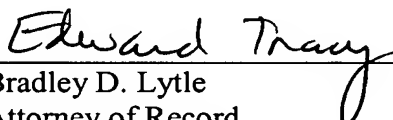
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
BDL\la



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward W. Tracy
Registration No. 47,998